

## **REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated May 14, 2004. Claims 1-9 and 16-20 are currently pending in the application. It is gratefully acknowledged that the Examiner has allowed Claims 1-8, and found allowable subject matter in Claims 11 and 12. As indicated above, Claims 1-9 have been amended, Claims 16-20 have been newly added, and Claims 10-15 have been cancelled without prejudice.

However, in the Office Action, the Examiner has rejected Claims 9-10 and 13-15 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Okawa et al.* (K. Okawa and F. Adachi, "Orthogonal Multi-Spreading Factor Forward Link for Coherent DS-CDMA Mobile Radio", IEEE 6<sup>th</sup> ICUPC, pp. 618-622, Oct. 12-16, 1997) in view of *Gilhousen* (U.S. Patent No. 5,751,761).

Additionally, the Examiner has objected to the form of the claims containing equations. More specifically, the Examiner asserts that the claims should be amended such that the equations used in the claims are located within the bodies of the claims themselves. Accordingly, the claims containing equations have been amended as suggested by the Examiner. Therefore, it is respectfully requested that the objection to the claims be withdrawn.

As indicated above, rejected Claim 9 has been amended to include the allowable subject matter of Claims 10 and 11. Further, new claim 16 has been added, which includes the recitations of Claim 9 amended to include the allowable subject matter of Claims 10 and 12. Accordingly, it is respectfully submitted that Claims 9 and 16 are in condition for allowance.

Additionally, based on the Examiner's cited art and cited allowable subject matter, new Claims 17-20 have been added. Accordingly, it is respectfully submitted that Claims 17-20 are in condition for allowance.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-9 and 16-20, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

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